

SUPPORT FOR THE AMENDMENTS

Applicants have amended Claim 4 for clarity and to include the limitation of Claim 9. Accordingly, support for amended Claim 4 can be found in Claims 4 and 9, as originally filed. Claim 6 has been amended for clarity and to include the limitations of Claims 1 and 9. Thus, support for amended Claim 6 can be found in Claims 1, 6, and 9, as originally filed. Claim 7 has likewise been amended for clarity and to include the limitation of 9. Thus, support for amended Claim 7 can be found in Claims 7 and 9, as originally filed. Claim 13 has been similarly amended for clarity and to include the limitation of Claim 9. Thus, support for amended Claim 13 can be found in Claims 13 and 9, as originally filed. Claim 15 has been amended for clarity and to include the limitations of Claims 2 and 9. Thus, support for amended Claim 15 can be found in Claims 2, 9, and 15, as previously presented. Claims 5, 8, 16-19, 29-32, and 34-38 have been amended for clarity. Thus, support for amended 5, 8, 16-19, 29-32, and 34-38 can be found in the same claims, as previously presented.

No new matter has been added. Claims 4-8, 10, 13, 15-19, 29-32, and 34-38 are active in this application.

REMARKS/ARGUMENTS

At the outset, Applicants wish to thank Examiner Paden for indicating that Claims 9, 10, 20-28, 33, and 39-47 are only objected to as being dependent on a rejected base claim and would be allowable if rewritten in independent form. Applicants submit that in view of the following amendments, all of the present claims are allowable.

The provisional rejection of Claims 4-10, 13, and 15-47 under the judicially-created doctrine of obviousness-type double patenting in view of Claims 1-11 of copending U.S. application serial no. 09/968,979 ("the Ishida et al application") is respectively traversed for the reasons set out in MPEP §804 (I)(B). Specifically, the Examiner is requested to hold this

rejection in abeyance until one of the two applications is found to be otherwise allowable. The double-patenting rejection should then be withdrawn in that application and the provisional nature of the rejection removed in the remaining application.

The provisional rejection of Claims 4-10, 13, and 15-47 under 35 U.S.C. §102(e) in view of copending U.S. application serial no. 09/968,979 (“the Ishida et al application”) is respectfully traversed on the ground that the Ishida et al application is not prior art against the present application under 35 U.S.C. §102(e). Specifically, contrary to the position taken on page 3 of the Office Action, the present application is entitled to a filing date which is earlier than the filing date of the Ishida et al application.

In particular, the present application is a 371 application of International Application No. PCT/JP00/04453, filed on July 5, 2000. In contrast, the Ishida et al application was filed in the U.S. on October 3, 2001. Thus, the present application is entitled to a U.S. filing date (July 5, 2000) which is earlier than the filing date of the Ishida et al application (October 3, 2001). Accordingly, the Ishida et al application may not be cited as prior art under 35 U.S.C. §102(e) against the present application.

The rejection of Claims 4-6 under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,952,230 (Kim et al) in view of U.S. Patent No. 4,556,573 (Bartesch et al) and U.S. Patent No. 4,495,207 (Christianson et al); the rejection of Claims 7, 10, and 29-31 under 35 U.S.C. §103(a) in view of Kim et al, Bartesch et al, and Christianson et al, and further in view of “Properties Peculiar to Lipids in Soybeans of Beeson Species” (Tokue et al); and the rejection of Claims 7, 8, 13-19, 31, 32, and 34-37 under 35 U.S.C. §103(a) in view of Kim et al, Bartesch et al, Christianson et al, and Tokue et al, and further in view of “Sterol Compositions in Lipids of Cotyledon, Embryo, and Seed Coat from Soybean, Cotton, and Sunflower Seed (Kajimoto et al) have each been obviated by appropriate amendment. As the Examiner will note, Applicants have amended independent Claims 4, 6, 7, 13, and 15 to

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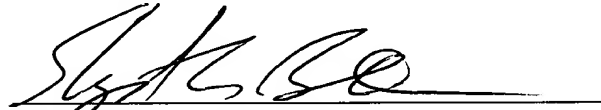
incorporate the limitations of Claim 9. Applicants submit that Claims 4, 6, 7, 13, and 15, and the claims dependent thereon are now allowable for the same reasons that Claim 9 was indicated as being allowable.

Accordingly, the rejections should be withdrawn.

Applicants submit that the present application is now in condition for allowance, and early notification of such action is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'S. G. Baxter', is written over a horizontal line.

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